GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – CT Department – Allegation of corruption against Sri P. Venkateswara Rao, Sr. Asst. (AO-2) and another O/o the CTO,Lalapet, Guntur Division – Trapped on 6.8.2005 –Convicted – Dismissed – Criminal Appeal No. 703/2010 filed by Sri P.Venkatateswara Rao, Sr Asst (Dismissed) – Appeal allowed by the Honorbale High Court – Further action dropped – Orders – Issued.

REVENUE (Vig-VI) DEPARTMENT

G.O.Rt.No.20 Dated: 16-01-2025.

Read the following:-

1.From the DG, ACB, Letter No.152/RCT-VGT/2005, Dt:21.3.2006.
2. GO Ms No. 1591, Revenue (Vig-I) Deptt, dt. 31-10-2006.
3. GO Ms No. 1158, Revenue (Vig-I) Deptt, dt. 1-9-2007.
4. Orders of Spl. Judge for SPE & ACB Cases, Vijayawada in Calender Case No. 56/2007, Dt. 14-5-2010.
5. G.O.Rt.No.1384, Rev. (Vig. I) Dept. DT: 16.9.2009.
6. G.O.Rt.No.1451, Rev. (Vig. I) Dept. DT: 8.10.2010.
7. Proceedings of the Dy. Commr. of CT, Guntur No.256/05/A2, Dt: 30.6.2010.
8 . Orders of Honorbale High Court dt. 19-12-2023 in Criminal Appeal No. 703/2010 filed by Sri P. Venkateswara Rao, Sr Assist,(AO-2).
9. Representations of Sri P. Venkateswara Rao, Sr Assist,(AO-2), dt. 14-2-2024 & 5-7-2024.
10. From the DG, ACB, Lr.RcNo.152/RCT-VGT/2005, Dt: 9-7-2024.

<<<<>>>>

ORDER:

The Director General, Anti Corruption Bureau, AP in the reference 1st read above has reported that Sri B. Ashokvardhan Reddy, DCTO (AO-1) and Sri P. Venkateswararao, Sr. Asst. (AO-2), O/o. CTO. Lalapet, Guntur trapped by the ACB officials on6.8.2005, when they demanded and accepted a bribe for an amount of Rs.5,000/- from the complainant Sri K. Siva Krishna Reddy (Srinivasa Electrical Spares) for showing official favour in assessment of the shop for the year 2004-2005. Both the AOs were kept under suspension. The Deputy Commissioner (CT), Guntur Division placed the AO-2 Sri P. Venkateswara Rao, Sr. Assist under suspension with immediate effect vide his Procgs Rc No. 256/2005/A2, dt. 9-8-2005. The DG, ACB in his final report has recommended for prosecution of both the

PTO

A.Os in a court of law for the offence punishable U/Sec. 7 & 13(1)(d) r/w 13(2) of P.C. Act, 1988, besides initiation of departmental action against AO-1. The Govt., after considering the matter accorded sanction for prosecution against Sri B. Ashokvardhan Reddy, former DCTO, AO-1 vide reference 2nd read above and Sri P. Venkateswararao, former Sr. Asst. (AO-2) vide reference 3rd read above respectively.

2. Whereas, Sri B. Ashokvardhan Reddy, DCTO (AO-1) and Sri P.Venkateswararao, Sr. Asst. (AO-2), O/o. CTO. Lalapet, Guntur were charge sheeted in a court of law. The Spl.Judge for SPE & ACB Cases, Vijayawada, in judgment dt:14.5.2010 in CC No. 56/2007, acquitted the AO-1 Sri B.Ashokavardhan Reddy, DCTO, andconvicted Sri P. Venkateswararao, Sr. Asst. (AO-2) and ordered for imprisonment under section 248 (2) of Cr.PC and under section 13 (1) (d) read with section 13(2) of the Prevention of Corruption Act, 1988. In view of the orders of Honorbale Court and also as per the opinion of the DG, ACB, in the reference 5th read above, Govt. dropped further action against Sri B. Ashokavardhan Reddy, DCTO and in the reference 6th read above, treated his suspension period as "on duty".

3. Where as inrespect of Sri P. Venkateswara Rao, Sr. Asst., the Dy. Commissioner (CT), Guntur Division dismissed from Government service vide reference 7th read above in view of the conviction in criminal case in CC No. 56/2007. Aggrieved by the judgement of the Trial Court, Sri P. Venkateswararao, Sr. Asst.(AO-2) filed Criminal Appeal No.703/2010 before the Hon'ble High Court against the judgement dt. 14-05-2010 in CC No.56/2007 of Spl. Judge for SPE & ACB Cases, Vijayawada. The Hon'ble High Court in its orders dt.19-12-2023 on Criminal Appeal No. 703/2010 have passed orders as follows:-

> "the Criminal Appeal is allowed setting aside the convictions and sentences imposed as against the appellant/AO.2 in the judgment dated 14.05.2010 in C.C.No.56 of 2007 on the file of Special Judge for SPE and ACB Cases, Vijayawada. The appellant/ A.0.2 is found not guilty of the charges levelled against him and he is acquitted of the said charges and is set at liberty. Fine amount, if any, paid by him shall be refunded to him.
>
> As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Appeal shall stand closed".

4. Whereas in the reference 9th read above, Sri P. Venkateswara Rao, Sr. Assist (Dismissed) prayed the Government to issue orders regularising the suspension period and intervening period from date of dismissal to date

Contd..3

of attaining the age of superannuation and release of consequential benefits viz service benefits, pay fixations and other pensionary benefits under FR 54 -A as the Honorbale High Court has seta sidethe judgement dt. 14-05-2010 in CC No.56/2007 of Spl. Judge for SPE & ACB Cases, Vijayawada and aquitted him Criminal Appeal No. 703/2010.

5. Whereas in the reference 10th read above, the DG., ACB., Vijayawada has informed that this Bureau is of the opinion that it is not a fit case to prefer SLP in the Supreme Court of India against the orders dt. 19-12-2023 of the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No. 703/2010. The DG, ACB has requested the Government to take necessary further action in the matter and communicate the Government orders to the Bureau at an early date.

6. Government after careful examination of the matter, inview of the orders of Honorbale High Court of AP and also recommendation of the Director General, Anti Corruption Bureau, Government hereby drop further action against Sri P. Venkateswara Rao, former Sr. Assist O/o CTO, Lalapet, Guntur duly treating the suspension period from 6-8-2005 to 31-7-2007 and intervening period from the date of dismissal 30-6-2010 to the date of attaining the age of superannuation "as On-duty"under FR- 54-A (3)for all purposes and with all consequential benefits on account of orders dt. 19-12-2023 of the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No. 703/2010.

7. The CCST, AP is requested to take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PEEYUSH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

TO,

Sri P. Venkateswara Rao, former Sr. Assist (retd) O/o CTO, Lalapet, Guntur through Chief Commissioner of State Tax, Andhra Pradesh.
The Chief Commissioner of State Tax, Andhra Pradesh, Kunchanapalli, Guntur District.
The APVC, AP Secretariat, Velagapudi.
The Director General, ACB, PNBS, 2nd Floor, Krishnalanka, AP, Vijayawada.
The OSD to Honorbale Minister for (Fin & CT)
The PS to Principal Secretary to Government.
The Accountant General, AP, Vijayawada.
Sc/Sf.

// Forwarded:: By order//

SECTION OFFICER